

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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INGINIO HERNANDEZ,

Case No. 3:13-cv-00083-MMD-WGC

Plaintiff,

ORDER

v.

RENEE BAKER, et al.,

Defendants.

On March 3, 2016, the Court adopted the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 1158) ("R&R"), recommending that the Court grant summary judgment in favor of Defendants on all counts except for count III relating to Plaintiff's Eighth Amendment use of excessive force claim. (Dkt. no. 175.) As a result, count III remains pending for trial. The Court referred this case for settlement, which is scheduled for May 17, 2016. (Dkt. nos. 176, 179.)

Since issuance of the Court's March 3, 2016, Order, Plaintiff has filed two motions for extension of time to file an appeal (dkt. nos. 180, 181) and two motions for reconsideration (dkt nos. 186, 187). The March 3, 2016, Order denied summary judgment on count III and is not a final appealable order. Accordingly, the time for Plaintiff to appeal has not been triggered. Plaintiff's motions for extension of time to file an appeal are unnecessary and will be denied. Plaintiff's two motions for reconsideration do not offer a valid reason for the Court to reconsider. *Frasure v. United States*, 256 F.Supp.2d 1180, 1183 (D. Nev. 2003) (A motion to reconsider must set forth "some valid reason why the court should reconsider its prior decision" and set "forth

1 facts or law of a strongly convincing nature to persuade the court to reverse its prior  
2 decision.”). These two motions will also be denied.

3 It is therefore ordered that Plaintiff’s motions for extension of time (dkt. nos. 180,  
4 181) and motions for reconsideration (dkt. nos. 186, 187) are denied.

5 DATED THIS 28<sup>th</sup> day of April 2016.

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8 MIRANDA M. DU  
9 UNITED STATES DISTRICT JUDGE  
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